

# Seattle Permits

— part of a multi-departmental City of Seattle series on getting a permit

## Regulations for Barrier-Free Accessibility

Updated October 14, 2004



### Background

**The Americans with Disabilities Act and the Federal Fair Housing Act recognize the importance of providing access to buildings and other facilities for people with mobility, sensory and other disabilities. In addition, the Washington State Building Code had unique accessibility provisions that were certified as at least equal to the provisions of the ADA.**

**The State Code's accessibility provisions changed with adoption of the International Building Code in 2004. The State no longer maintains its unique accessibility regulations—adopting IBC Chapter 11 instead.**

### Accessibility Regulations Enforced by DPD

DPD enforces the requirements for barrier-free accessibility that are found in Chapter 11 of the International Building Code (IBC) as amended by the Washington State Building Code (WSBC, WAC 51-50). The State and the City of Seattle have adopted IBC Chapter 11 and some sections of IBC Appendix E. Accessibility regulations for existing buildings are found in Seattle Building Code Section 3406.

**While DPD enforces Chapter 11, the designer and owner retain responsibility for complying with all requirements of Chapter 11.**

### Federal Regulations also Applicable

In addition to the Building Code regulations, there are two sets of federal regulations that govern accessibility.

- The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Accessibil-

ity Guidelines (ADAAG) apply to non-residential buildings.

- The Fair Housing Act (FHA) and related guidelines apply to residential buildings.

These federal regulations are not enforced by DPD; compliance is entirely the responsibility of the owner and designer. The US Department of Housing and Urban Development has declared the IBC a “safe harbor” for compliance with the FHA. This means that a building that complies with that code is presumed also to comply with FHA. The presumption doesn't apply to any building features that don't comply with the IBC, even if DPD has approved them. The Department of Justice (DOJ) has not made any official statement about the consistency of the IBC with the ADA. However, DOJ has participated actively to make the IBC equivalent to ADA.

**Building owners and designers are responsible for making their building comply with ADA, ADAAG and FHA, as DPD does not enforce or interpret these regulations. Both sets of regulations are civil rights protections that can be enforced by lawsuits brought by private citizens. Approval of a building by DPD cannot guarantee compliance with the federal regulations.**

### Investigation of Disability Discrimination Claims

The Seattle Office for Civil Rights (OCR) investigates claims of discrimination, including discrimination based on disability. They will investigate claims of discrimination within the City of Seattle in housing, employment, public accommodations and contracting. Even if OCR can't help you with your complaint, they may be able to refer you to another agency that will help you.

OCR can be reached at (206) 684-4500; (206) 684-4503 (TTY) and (206) 684-0332 (fax). Their mailing address is 700 Third Ave., Suite 250, Seattle, WA 98104-1849. Information about OCR is also available online at [www.cityofseattle.net/civilrights](http://www.cityofseattle.net/civilrights).

[www.seattle.gov/dpd](http://www.seattle.gov/dpd)



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## Additional Information

### Questions about Seattle Building Code and International Building Code:

- DPD's Building Code Technical Backup  
(206) 684-4630  
Monday-Friday, 1:00-4:15 p.m.

### Purchasing Seattle Building Code:

- DPD's Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave., Seattle, (206) 684-8467
- Washington Association of Building Officials, (360) 586-6725 **www.wabo.org** (IBC only; Seattle amendments not available from WABO)

### Information about ADA and ADAAG:

- ADA Information Line at the U.S. Department of Justice, (800) 514-0301 (voice); (800) 514-0383 (TTY); **www.ada.gov**
- The Department of Justice website at **www.usdoj.gov/crt/ada/publicat.htm** contains the text of the regulations and other informational publications.
- The text of ADAAG and other technical assistance is found at **www.access-board.gov**.

### FHA Accessibility Guidelines and additional information:

- HUD's website at **www.hud.gov/groups/fairhousing.cfm**
- Seattle HUD office, (206) 220-5101

## Access to Information

Links to electronic versions of DPD **Client Assistance Memos (CAMs)**, **Director's Rules**, and the **Seattle Municipal Code** are available on the "Publications" and "Codes" pages of our website at **www.seattle.gov/dpd**. Paper copies of these documents, as well as additional regulations mentioned in this CAM, are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.